



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

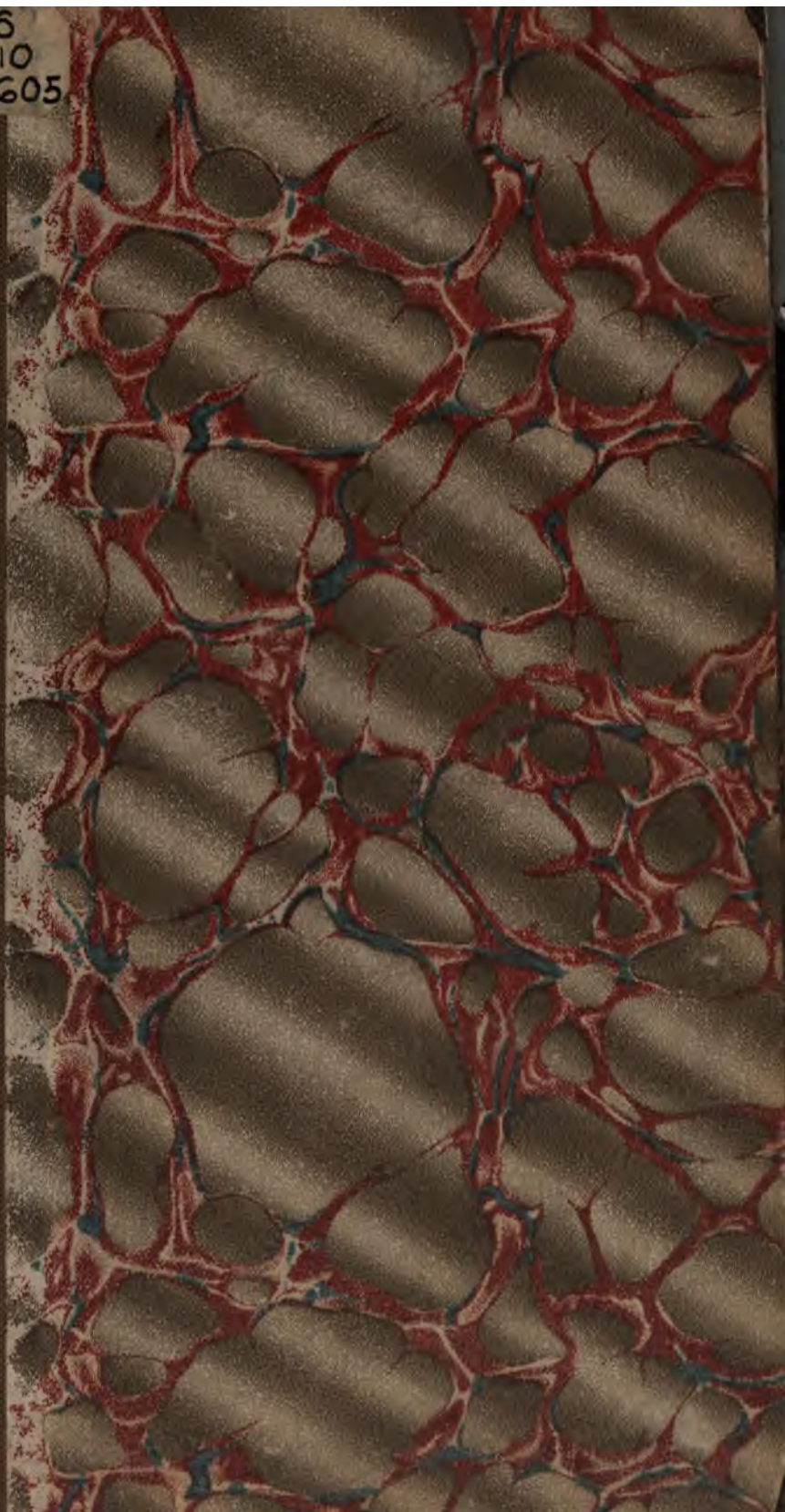
- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

Louvillier - Appeal - 1827.

US
5010
19.605



US 5010.19.605

**Harvard College
Library**



By Exchange

Don't forget, Mr. Ten.

Let every man lend this to his neighbour.



THE APPEAL

OF

L. Louaillier, sen.

AGAINST

THE CHARGE OF HIGH TREASON,

AND

EXPLAINING THE TRANSACTIONS

AT

NEW-ORLEANS.

— "Be just—and fear not ;
Let all the ends thou aim'st at
Be thy country's, thy God's, and Truth's.

—•••••

1827.

US 5010.19.605

1862, Sept. 26,

By exchange of diplomas.

READ WITH CANDOR AND JUDGE.

The following Appeal of Mr. LOUAILLIER, a highly respectable citizen of Louisiana, in vindication of his character from unmerited reproach, is of a nature not to be resisted. It is cool and dispassionate, and fortified by irrefragable testimony. It is time that he should be heard.

Mr. LOUAILLIER is a man of talents, fortune, and an influence in his own state equal at least to that of any other individual; he is universally esteemed and beloved; he is the enthusiastic friend of our country, and the friend of his distressed fellow beings. He contributed most essentially, by his influence and personal services, and generous conduct, to the defense of Louisiana. The offence, which drew down upon him the vengeance of military law, was his opposing, in the Legislature of Louisiana, the suspension of the writ of Habeas Corpus, when General Jackson asked for it.

The Richmond Enquirer of March 6, 1824, (now the leading Jackson paper in the Union) speaking of these transactions, says:

"The British army had withdrawn. 'Mr. Livingston had arrived on the 10th (of March) from the British fleet, whither he had gone to effect a general cartel; through him Admiral Cochrane had announced the arrival of a vessel from Jamaica, with news of a peace having been agreed on by the two countries.' The same intelligence had reached New-Orleans from another quarter. On the 7th of March General Jackson received an express sent by the Postmaster General, bearing communications from the Government, it is understood, that the Treaty of Peace had been signed the 24th December, 1814. Was it not a time then, to close the odious scene of military power? Did necessity require that Mr. Louaillier, a member of the Legislature, should be arrested and confined? That Mr. Hall, District Judge of the United States, for issuing a writ of Habeas Corpus, on application of Mr. L. should himself be seized, dragged to the General's camp, detained in close custody, and then sent beyond the limits of the encampment, 'until the ratification of peace is regularly announced, or until the British shall have left the Southern coast?' That the District Attorney, Mr. Dick, who applied to Judge Lewis for a habeas corpus to liberate Judge Hall, should himself be arrested? And that an order should be issued, also, for the arrest of Judge Lewis? Were these high-handed measures rendered necessary by the circumstances of the case? Or do they not rather bespeak that species of temper in General Jackson, which is disposed to make his own will the sole rule of his actions?"

NOTE.—The Address of Mr. L. was delivered before a great meeting in Louisiana, assembled for the purpose of devising the proper means to secure the election of Mr. John Quincy Adams. It is, indeed, a sort of accusation against one of the candidates for the Presidency of the United States; but this accusation being made a long time before the period fixed by law for the election, he can, if it is in his power, remove the unfavorable impressions which this publication may have produced against his pretensions.

ADDRESS.

Mr. Chairman and fellow Citizens. Like the orator who has preceded me, I wish I could confine my remarks to the public services of Mr. JOHN QUINCY ADAMS, and to the rare talents which justify the choice you have made of him for the next election: like him, I wish that the name of General ANDREW JACKSON, were uttered in this hall only to do homage to the brilliant achievements which saved Louisiana, and to express to him the gratitude of its inhabitants. In the very peculiar situation where I am placed, let me be allowed to pursue a different course. I will give unqualified praise to the good he has done; and unserved blame on his errors and his faults.

Accused of Treason, charged with having endeavored to deliver New-Orleans to the British army, I seize with eagerness this opportunity of appearing before you, to explain my conduct, and to silence calumny.

As the facts which I have to state, although personal to myself are intended to prove to demonstration, that one of the candidates for the Presidency of the United States has violated our constitution and our laws, they are necessarily connected with the purpose which has brought you together.

The partisans of General Jackson have given the greatest publicity to the accusation of which I am the victim; his biographers, his panegyrists, the speakers at public meetings, and adulatory dinners, have sullied their theme with this falsehood; a thousand newspapers have repeated this infamy; and the result is a general belief throughout all the States, except Louisiana, that a member of its Legislature, for the county of Opelousas, labored, in 1815, to surrender Louisiana to the British.

How happy am I to behold in this hall, so large a number of the electors of this county; to have it in my power to call on them to hear me in my own defence; to cherish the hope that on the occasion of the Presidential question, this defence will circulate through the States of the Union, and that truth shall, at last, be known.

The day of justice is at hand. The sovereign voice of the people of the United States will pronounce upon the charge of treason imputed by General Jackson to the Legislature of the State of Louisiana, and directed particularly against myself. If I succeed in proving that these accusations are utterly unfounded;

that the General has been unjust ; that his acts were arbitrary, and stand unjustified by any considerations of public utility, I shall have a right to infer that he is unworthy of the Supreme Magistracy to which he aspires.

When at the close of 1814, General Jackson arrived at New Orleans, he infused into the army, and into all classes of citizens, the warlike spirit which animated him.

On the 23d of December, the British army appeared on the banks of the Mississippi. Placing himself at the head of two thousand brave soldiers, he flew to meet four thousand five hundred veterans, and saved Louisiana. The remainder of the campaign was a series of brilliant deeds of arms, in which the American army, and its brave commander, covered themselves with glory, and which resulted in the withdrawal of the British army from our territory, on the nineteenth of January, eighteen hundred and fifteen.

Why is it that Gen. Jackson, exalted as he was, did not aspire to be the father of Louisiana, after he had been her saviour ? Why did he not scorn to yield to a spirit of persecution, so unworthy of the eminent rank to which his victories had raised him ?

You know, fellow citizens, that, from the moment General Jackson arrived in New Orleans, on the 2d December, eighteen hundred and fourteen, until the 21st January, when the American Army re-entered the city, the entire population of Louisiana devoted itself to the defence of the country ; a levy, *en masse*, was effected as by magic. The old men organized themselves into companies. No individual, whether of the regular army or of the militia, rendered himself guilty of the least military offence. No cause whatever occurred for resort to authority (1.) Not only the resources of the country were placed at the disposal of the General, but each individual labored to create new ones. Thus, the ladies of New Orleans employed themselves in making up such articles of clothing as a Winter campaign, and forced marches, had rendered necessary, for the brave militiamen who had come to our assistance. Thus, our hospitals were abundantly supplied with all that would relieve the sufferings of the wounded. Thus, indigent families were assisted and supplied through the beneficence of the City Council. The nunnery was transformed into an asylum where the wounded became the object of the most tender and affecting care (2.) The physicians and surgeons were seen wherever sufferings claimed their assistance. And, lastly, when, on entering the

(1) Preface to Historical Memoirs, p. 17 and 18.

(2) Extract from the resolution of the Legislature of the State of Louisiana, of February 2d, 1815.—“ The Ursuline Nuns are also entitled to a particular notice. They gave admittance within the walls of their monastery, to as many of the sick as could be conveniently lodged therein, and afforded them every aid conformably to the dictates of true charity.”

barracks, on the night of the 8th of January, the wounded British soldiers, who had been carried there, implored the Commander, Dubuys, for assistance. At the voice of this benevolent man, mattresses, blankets, and supplies of all descriptions, were furnished them, until the Government had leisure to provide a suitable hospital. This 8th of January, so conspicuous in our military annals, was rendered still more celebrated by the active humanity of the inhabitants of New Orleans.

I have dwelt thus long upon this general co-operation in defence of the country ; upon this unanimity of sentiment on the part of the inhabitants of Louisiana, without distinction of rank, color, age, or sex ; because they prove that, as long as the territory was in the occupation of the enemy, General Jackson met with no resistance whatever ; and that no opposition was manifested from any quarter.

If this happy union was interrupted, himself, alone, was the cause of it. He placed himself under the necessity of threatening and punishing ; he alone checked the general joy with which the British army was seen to withdraw from our territory. The writing which I published, and which he denounced as tending to excite discontent in the army, and among the citizens, followed, instead of preceding, his sentences of exile : it was, therefore, the effect, and not the cause, of this discontent.

When, on the 21st of January, the American army and its commander left the field of battle, to return to the city of New Orleans, the first and second regiments of the militia of the city received orders to encamp on Villere's plantation (3.) It will be easily imagined how painful such an order must have been for those two regiments, which, as a part of the levy, *en masse*, were composed of the greater part of the citizens of New Orleans, between the ages of eighteen and forty-five years. These militiamen were deeply wounded at being thus deprived of the happiness of returning to the bosom of their families, at the same time that this favor was granted to the battalion of volunteers under the command of Major Plache, and to that of colored men under the command of Major Daquin.

While we approve the motives of prudence which induced the General to forbear from disbanding the militia, as long as the British forces remained within our waters, and until the news of peace was officially communicated, we cannot refrain from regretting his having made choice of the first and second regiments of militia to constitute the camp on Villere's plantation, after the departure of the British army. Why did he retain these militiamen without the city, while the others, and even the corps of regulars were allowed to enter it ? These regi-

(3) Pages 197 and 204 of the Historical Memoirs.

ments might have been kept on active duty within the city ; they might have been daily trained to military exercises ; in case of a new invasion, they might have been marched to any threatened point, with equal, and perhaps, greater rapidity, from the city, than from Villere's plantation ; and at any hour of the day or night, the General would have found their ranks full. After so glorious a campaign, it was, perhaps, a duty, on the part of the General to extend the same favors to all the different corps of the levy, *en masse*, of the city of New Orleans. It could certainly be but an act of kindness and of sound policy.

I allude to the manner in which the General disposed of his troops, not so much to censure his proceedings, as for the purpose of setting forth the causes of the discontent which prevailed in the ranks of the militia, after the return of the American army to the city of New Orleans. This discontent which extended to the Frenchmen who had made the campaign in these ranks, determined them to claim the protection of the consul of their nation.

On the 31st January, Governor Claiborne wrote to General Jackson to apprise him that the militia officers were constantly applying to him for instructions as to the manner in which they were to dispose of the various detachments then in New-Orleans ; it may be inferred from this communication, that the constant coming in of the new levies, ever since the 8th January, (4) had encumbered the city and its vicinity with crowds of soldiers. If this inference be correct, it would follow that the exclusion from the city of the 1st and 2d regiments, was intentional on the part of General Jackson, and wholly unnecessary. Did not this useless aggravation of the hardships attendant on military service, justify the proceeding of the French soldiers ? On the first appearance of the British army, they had rallied under our banners : they had performed the campaign which had just terminated so gloriously ; and now, all ground of apprehension having ceased, in consequence of the retreat of the enemy, they thought it unjust and cruel, that they should thus be detained, without sufficient cause, in the midst of the marshes of Villere's plantation, a thousand times more deadly than the enemy's fire. (5)

(4) Page 204 Historical Memoirs.

(5) *Extract from the Historical Memoirs of the War of 1814 and 1815 by M. Laumiere Lalour.*—"I have above remarked, that immediately after the departure of the English troops from the shores of the Mississippi, a body of Kentucky militia was encamped on the plantation of Dupre, and the remainder on the right bank of the river.—Those from Tennessee, under the orders of Gen. Carroll and Coffee, resumed their former encampment on the plantation of Avart. The commanding General had thus wisely disposed them, that, in case of need, he might easily transfer them to such points of the coast as the enemy should invade. The troops occupied these parts until the disbanding of the army, which took place, as we have seen before, when Gen. Jackson received the ratification of the treaty of peace by our Government. They then took up the line of march for their respective states. The loss they had sustained during the campaign, was very inconsiderable ; and we should thank Providence that our triumphs

incensed by their proceeding, the General ordered these brave men to leave New-Orleans within three days, and not to approach within a distance of 120 miles from it. It was against this act of violence, that, on the 3d March, 1815, I published an article in the Louisiana Courier.

For this publication, the General caused me to be arrested. I directed Mr Morel, my counsel, to sue out a writ of habeas corpus, which was granted by the Hon. D. A. Hall, Judge of the District Court of the United States.

This arrest, fellow citizens, affords a memorable instance of the evils of the excesses which spring from absolute authority, even when exercised for a limited time of difficulty, and with the best intentions. I am far from suspecting the General's motives in this transaction—yielding to that violence which is natural to his temper, he rushed upon the legislator and upon the judges who dared to oppose him, with the same impetuosity he had displayed against the enemies of his country.

Instead of obeying the order of the Court, the General laid a fearless and sacrilegious hand upon the interpreter of the law.—At the hour when I was to appear before his tribunal, I saw the judge come towards me to share my imprisonment in the same room, and pay with his liberty for the noble independence with which he had acted.

Mr. Dick, the District Attorney, was likewise arrested for having attempted to liberate Judge Hall, by suing out a writ of habeas corpus; and an order was issued to arrest Judge Lewis who had granted that writ.

I was then carried before a Court Martial. Had I acknowledged its jurisdiction, it would have amounted to a surrender into the hands of a military chieftain in the service of the United States, of the independence and sovereignty guarantied to the State of Louisiana by the inviolable compact which binds her to her sister States. I therefore observed to the court that my detention was illegal, since General Jackson, who had given orders to arrest me, had not obeyed the writ of habeas corpus, which had been served on him by the District Court. I represented further, that, being a member of the legislature, I stood

were achieved at the expense of so small a portion of the usual afflictions of war; yet, these undaunted soldiers, who were able to overwhelm the enemy with so destructive a fire, and to bear the incessant fatigues of the campaign, were obliged to pay a severe tribute to the climate of Louisiana. The hardships they were obliged to undergo, in the duties of a camp, within Jackson's lines, added to the unhealthiness of a cold and wet soil, caused them to contract pernicious fevers and dysenteries, which soon became epidemical. The effect of these disorders were speedily seen, and terribly felt. In the space of one month, five hundred men perished in this way. Let us drop a tear to the memory of these noble fellows! May their virtues ever live in our memory! They lived long enough to glory and their country, which they freed from its enemies; but they did not live long enough to receive the recompenses of their toils, to enjoy, in the midst of domestic enjoyments, that felicity which they had secured to others, and had thus acquired a right to expect for themselves."

beyond the reach of martial law, and that I had a right to claim a trial by jury.

In support of this plea, I cited the 8th section of the 1st article of the Constitution of the United States, Nos. 14 and 15, which reserves to Congress the power of organizing and disciplining the militia ;

The 2d section of the act of Congress of the 8th May, 1792, which authorizes the state legislatures to provide such exemptions from military service as they may think fit ;

The 23d section of the 3d article of the Constitution of the state of Louisiana, which enacts that the Militia of the state shall be organized in such a manner as the legislature shall think proper.

And lastly, the act of the legislature of Louisiana of the 12th February, 1813, exempting the members of both Houses from military service.

I insisted upon the limits prescribed by the laws above cited, to the authority of the Generals in Chief of the American Armies, under what name soever this authority might be proclaimed, even under that of martial law.

Our laws have wisely enacted, that whenever, in the moment of public danger, all the citizens capable of bearing arms, between the ages of 18 and 45, should be placed at the disposal of a Commander in Chief, this general levy should be subjected to the Military Code of the United States ; but whoever dares to pass beyond these legal barriers, by bringing before a Court Martial a citizen exempt, by law, from doing military duty, by refusing to surrender him to the civil authority when so required, or by depriving him of the trial by jury, renders himself guilty of a violation of the right of individual liberty ; of an abuse of power ; and, in the case of capital punishment, guilty of an odious assassination.

Notwithstanding these objections, the Court declared itself competent, and then I declined taking any part in the proceedings ; I remained silent, as well as my counsel ; summoned no witnesses to prove my innocence ; and yet I was acquitted.

The General in Chief declined sanctioning the sentence of the Court. By assembling another Court Martial, or, which would have been better still, by surrendering me to the civil tribunals, he would have fulfilled his duty towards his country ; he would have been just towards me ; a solemn sentence pronounced by these tribunals would either have condemned a traitor, or restored a citizen to the state. He preferred keeping me under arrest until the day on which peace was proclaimed between England and the United States ; then martial law expired, a general pardon for all military offences was published, and the doors of my prison were opened.

My first act, after my restoration to freedom, was to protest in the public journals against the amnesty by which they had sought to brand me as a criminal.

Can it be an act of justice towards an individual acquitted by a Court Martial, to publish against him such an article as that which Gen. Jackson caused to be inserted in the part of the *Ami des Lois*, of the 4th April, 1815, which is printed in the English language? Does a General in Chief fulfil his duty towards an individual accused of high treason, and acquitted by a Court Martial appointed and constituted by himself, by first publishing his infamy in his general orders, and then pardoning him? I submit these questions to the people of the United States, now assembled for the purpose of electing their Chief Magistrate.

In support of my defence I shall publish the charges upon which the Court Martial had to pronounce, (6) together with the

(6) Charges and Specifications exhibited against Mr. Louaillier, Sen'r residing or serving in the principal encampment of the army of the United States of the 7th Military District.

CHARGE 1st.—*Mutiny.*

Specification. That the said Louaillier, S'r. did, on or about the 3d of March, 1815, in the city of New Orleans, (it being at that time and now, the principal encampment of the part of the army of the United States, under the command of Major General Andrew Jackson,) write and cause to be published in the Louisiana Courier, a paper published within the limits of said city, a piece to the following effect, viz.

"*Communication.* Mr. Editor: To remain silent on the last general orders, directing all the Frenchmen who now reside in New Orleans, to leave it within three days, and to keep at a distance of 120 miles of it, would be an act of cowardice which ought not to be expected from a citizen of a free country; and when every one laments such an abuse of authority, the press ought to denounce it to the people.

In order to encourage a communication between both countries, the 7th and 8th articles of the treaty of cession, secure to the French who shall come to Louisiana, certain commercial advantages which they are to enjoy during a term of twelve years, which are not yet expired—at the expiration of that term, they shall be treated in the same manner as the most favored nation. A peace, which nothing is likely to disturb, uniting both nations. The French have until this moment been treated in the United States with that regard which a great people deserves and requires, even in its reverses, and with that good will which so eminently distinguishes the American Government in its relations with foreign nations. In such circumstances, what can be the motives which have induced the commander-in-chief of the 7th Military District to issue general orders of so vexatious a nature? When the foreigners of every nation, when the Spaniards, and even the English, are suffered to remain unmolested among us, shall the French alone be condemned to ostracism, because they rendered too great services? Had they remained gentle spectators of the last events, could their sentiments towards us be doubted, then we might merely be surprised at the course now followed with regard to them. But how are we to refrain our indignation, when we remember that these very Frenchmen, who are now to be exiled, have so powerfully contributed to the preservation of Louisiana, without speaking of the corps who so eminently distinguished themselves, and in which we see a number of Frenchmen, rank either as officers or privates; how can we forget that they were French artillerymen, who directed and served a part of those pieces of cannon which so greatly annoyed the British forces? Can any one flatter himself that so important services could have so soon been forgotten? No, they are engraved in everlasting characters in the hearts of all the inhabitants of Louisiana, and they shall perform a brilliant part in the history of their country; and when these brave men ask no other reward but being permitted peaceably to enjoy among us the rights secured to them by treaties and the laws of America—far from sharing in the sentiments which have dictated the general order, we avail ourselves of this opportunity to give them a public testimony of our gratitude.

Far from us the idea that there be a single Frenchman so pusillanimous as to forsake his country merely to please the military commander of this district, and in order to a-

argument upon which General Jackson rested his motives for declining to sanction the sentence of that court. (7) The reading of

void the proscription to which he has chosen to condemn them; we may, therefore, expect to see them all repair to the Consul of their nation, there to renew the act which binds them to their country; but, in supposing that, yielding to a sentiment of fear, they consent to cease to be French citizens, would they, by such an abjuration, become American citizens? No, certainly they would not; the man who would be powerful enough to denationalize them, would not be powerful enough to give them a country. It is better, therefore, for a man to remain a faithful Frenchman, than to suffer himself to be scared even by the martial law; a law useless when the presence of the foe and horous call us to arms, but which becomes degrading, when their shameful flight suffer us to enjoy a glorious rest, which fear and terror ought not to disturb.

But could it be possible that the Constitution and the laws of our country should have left it in the power of the several commanders of military districts to dissolve all at once the ties of friendship which unite America to the nations of Europe? Would it be possible that peace or war could depend upon their caprice, and the friendship or enmity they might entertain for any nation? We do not hesitate in declaring that nothing of the kind exists. The President alone, has, by law, the right to adopt against alien enemies, such measures as the state of war may render necessary; and for that purpose, he must issue a proclamation; but this is a power which he can not delegate. It is by virtue of that law, and of a proclamation, that the subjects of Great Britain, were removed from our ports and sea shores. But we do not know any law authorizing General Jackson to apply to alien friends a measure which the President of the United States himself has only the right to adopt against alien enemies.

Our laws protect strangers who come to settle or reside among us. To the Sovereign alone belongs the right of depriving them of that protection and all those who know how to appreciate the title of an American citizen, and who are acquainted with their prerogatives, will easily understand that by the Sovereign, I do, by no means, intend to designate a Major General or any other Military Commander, to whom I willingly grant the power of issuing general orders like the one in question, but to whom I defy that of having them executed.

If the last general order has no other object but to inspire in us a salutary fear—if it is only destined to be read—if it is not to be followed by any act of violence—i. it is only to be executed by those who may choose to leave the city in order to enjoy the pure air of the country—we shall forget that extraordinary order; but should any thing else happen, we are of opinion that the tribunals shall, sooner or later, do justice to the victims of that illegal order.

Every alien friend who shall continue to respect the laws which rule our country, shall continue to be entitled to their protection. Could that general order be applied to us, we should calmly wait until we were forced by violence to execute it; well convinced of the firmness of the magistrates, who are the organs of the laws in this part of the Union, and the guardians of public order.

Let us conclude by saying, that it is high time the laws should resume their empire; that the citizens of this state should return to the full enjoyment of their rights; that, acknowledging that we are indebted to General Jackson for the preservation of our city, and the defeat of the British, we do not feel much inclined, through gratitude, to sacrifice any of our privileges, and less than any other, that of expressing our opinion about the acts of his administration; that it is time the citizens accused of any crime should be rendered to their natural judges, and cease to be brought before special or military tribunals; a kind of institutions held in abhorrence even in absolute governments; and that, after having done enough for glory, the moment of moderation has arrived; and finally, that the acts of authority which the invasion of our country and our safety may have rendered necessary, are, since the evacuation of it by the enemy, no longer compatible with our dignity and our oath of making the Constitution respected." He, then said, Louaillier being at the time within the encampment of the said Commanding General; said, the campment having been declared under martial law.

CHARGE 2d—*Exciting Mutiny.*

Specification 1st. That the said Louaillier did, on or about the 3d day of March 1815, at the city of New-Orleans, and within the encampment of the army of the United States, write, and cause to be published, the following newspaper essay: calculated to excite mutiny in the army of the United States, then and there stationed, viz: (the same as before recited)

these charges will convince you that my publication in the Louisiana Courier was the only paper produced against me. This

CHARGE 3d—General Misconduct.

Specification 1st. In this, to wit: That the said Louaillier, Sen. did write, and cause to be published, on or about the 3d day of March, 1815, at the city of New Orleans; and within the encampment of the troops aforesaid; the following essay; viz: (the same hereinafter set forth.) to the prejudice of good order and military discipline; he, the said Louaillier, being at that time within said encampment

CHARGE 4th—For being a Spy.

Specification 1st. That the said Louaillier, on or about the 3d of March, 1815, at New Orleans, in being the encampment of the army of the United States, was found lurking in or about said encampment and the fortifications thereto appertaining, being at the same time much disaffected himself, and then and there writing, and causing to be published, an essay in the Louisiana Courier, calculated to give the enemy of the United States notice of the situation of our army, and to lessen the obedience of the army of the United States in the Commanding General, viz: the following in the newspaper called the Louisiana Courier, (the same herein before recited.)

CHARGE 5th—Illegal and improper conduct, and disobedience to orders.

Specification 1st. In violating the 56th article of the rules and articles of war, embracing, as well citizens as all others, by relieving, harboring, and protecting the enemies of the United States, by writing, and causing to be published, an anonymous essay in the Louisiana Courier, on or about the 3d of March, 1815, at the city of New Orleans.

Specification 2d. By violating the 57th article of the rules and articles of war, by holding correspondence with, and giving intelligence to, the enemies of the United States; in writing and causing to be published in the Louisiana Courier, on or about the 3d of March, 1815, at the city of New Orleans, an anonymous essay, of which the following is a copy, (the same as above.)

CHARGE 6th—Writing a wilful and corrupt libel.

Specification 1st. That the said Louaillier did, on or about the 3d of March, 1815, at New Orleans, write, and cause to be published, an essay, in the Louisiana Courier, under the signature of "A Citizen of Louisiana of French origin," grossly misrepresenting the purport and tenor of a general order of the 28th day of February last.

CHARGE 7th—Unsoldierly conduct, and conduct contrary to and inadmissible within the city of New Orleans and its environs, under an order of the Commanding General, dated — day of —, 1814, declaring, &c.

Specification 1st. In this: That the said Louaillier, under the proclamation aforesaid, being liable to martial law, did write, and cause to be published, on or about the 3d of March, 1815, in the Louisiana Courier, in the city of New Orleans, an essay signed "A Citizen of Louisiana of French origin," contrary to his obligations as a soldier under the proclamation aforesaid.

Specification 2d. That the Legislature of the state of Louisiana not being in session at that time, the said Louaillier did, on or about the 3d of March, 1815, at New Orleans, he being then subject to military duty, write, and cause to be published in the Louisiana Courier, an essay signed "A Citizen of Louisiana of French origin," thereby committing mutiny himself, and exciting, causing and beginning mutiny and sedition in the troops in the service of the United States at the time and place aforesaid; and behaving, thereby, at the same time and place, with contempt and disrespect towards his commanding officer, and publishing contemptuous and disrespectful words of and concerning him; and being a soldier as aforesaid, (the Legislature not being at that time in session,) he, the said Louaillier, by writing, and causing to be published, the essay aforesaid, did relieve, harbor, and protect, the enemies of the United States, and did hold a correspondence with, and give intelligence to, said enemies, all at the city of New Orleans, within said encampment, and on or about the 3d day of March, 1815.

(7) **Head Quarters, 1th Military District, New Orleans, March, 1815.**

The Commanding General disapproves the sentence of the Court Martial, of which Major General Gaines is President, on the several charges and specifications exhibited against Mr. Louaillier; and is induced, by the novelty and importance of the matters submitted to the decision of that Court, to assign the reasons of this disapproval.

The charges against the prisoner were mutiny, exciting mutiny, general misconduct, for being a spy, illegal and improper conduct, and disobedience of orders; writing a wilful and corrupt libel against the Commanding General, unsoldierly conduct, and conduct in violation of a General Order: all which charges are, on the face of them, proper to be inquired into by a Court Martial. The defendant pleaded to the jurisdiction of the

paper, it is true, gave rise to the most serious accusations.—
Like a new Pandora's box, all the crimes which, by our military

Court and founded his exceptions on matters of fact ; which exceptions, as to all the charges and specifications but one, the court sustained without inquiring into the truth of the facts (which could not otherwise have appeared to them) upon which those exceptions were bottomed.

The commanding General is not disposed, however, to rest his objections upon any informality in the mode of proceeding adopted by the court, but, presuming that the court really believed the truth of the facts set forth in the exceptions, deems it his duty to meet their doubts as he supposes them to have existed.—The character of the prisoner, (a citizen not enrolled in any corps, and a member of the state legislature, though that legislature was not in session,) probably, in the opinion of the court, placed him without their reach upon the several charges upon which they declined acting.

The enemy having invaded our country, and threatening an attack on New-Orleans, many considerations growing out of this emergency, and connected with the defence of the city, rendered the adoption of the most energetic and decisive measures necessary. Martial Law, as the most comprehensive and effectual, was therefore proclaimed by the Commanding General—a state of things which made it the duty of every inhabitant, indiscriminately, to contribute to the defence of his country—a duty, in the opinion of the Commanding General, more positive and more urgent than any resulting from the common and usual transactions of private, or even public life. The occasion that calls it forth involves at once the very existence of the Government, and the liberty, property, and lives of the citizens.

Martial law being established, applies, as the Commanding General believes, to all persons who remain within the sphere of its operation ; and claims exclusive jurisdiction of all offences which aim at the disorganization and ruin of the army over which it extends. To a certain extent, it is believed to make every man a *soldier*, to defend the spot where chance or choice has placed him, and to make him *liable* for any misconduct calculated to weaken its defence.

If Martial Law, when necessity shall have justified a resort to it, does not operate to this extent, it is not easy to perceive the reason or the utility of it. If a man who shall from choice remain within the limits of its operation, and whose home is without those limits, and there labor by every means in his power to stir up sedition and mutiny among the soldiery, inspire them with distrust towards their commanding officers, and communicate to the enemy intelligence of the disaffection and discontent which he himself has created, may safely avail himself of what he is pleased to call his constitutional rights, and continue his dangerous machinations with impunity, the Commanding General believes he can easily conceive how a man thus influenced, and thus acting, might render the enemy more important service, and do his country more real injury, than he possibly could by entering the ranks of that enemy, and aiding him in open battle. Why is martial law ever declared ? Is it to make the enlisted or drafted soldier subject to it ? He was subject to it before. It is that the whole resources of a country, or of that district over which it is proclaimed, may be successfully applied for its preservation. Every man, therefore, within the limits to which it extends, is subject to its influence. If it had this operation, it is surely a perfect nullity.—Apply this view of the subject to the case before the court, and how is it ? After the adjournment of that legislature of which the defendant claims to be a member, he remains within the camp of the American army, and within those limits which are declared to be embraced by Martial Law. How does he there deport himself ? Instead of contributing to the defence of his country ; instead of seeking to promote that unanimity which a love of country, and the important trust which had been reposed in him might have led us to expect : we behold him endeavoring to stir up discord, sedition, mutiny, laboring to disorganize and destroy an army which had so lately defended his country, and might so soon again be necessary for its defence ; not only inviting the enemy to renew his attempts, but contributing his utmost to enable him to succeed, if he should obey the invitation. Is there no power to restrain the efforts, or punish the wickedness of such a man ?

laws, are punishable with death, were found enclosed in it. I repeat it, at this period, in the beginning of March, for this publication alone, I was summoned before a Court Martial ; and no proofs, no testimony whatsoever were produced to give a character of criminality to it. I assert it to be beyond the power of my accusers to sustain their accusation by any other proof, than my essay of the 3d of March. While before the Court Martial, no censure of my *conduct*, anterior to that period, was hinted at ; and as General Jackson, after his anger had subsided, could not have concealed it from himself that the imprisonment of Judge Hall was one of those extraordinary occurrences which his fellow citizens would, one day, require him to account for, it must, therefore, have been his earnest wish that his conduct should be justified by my condemnation ; and since he was reduced, in sustaining his monstrous accusation, to the only evidence contained in my essay, is it not clear that this constituted the only charge he could bring against me ?

If he aids and comforts the enemy by communicating to him information of that mutinous and seditious spirit, of that distraction and confusion which he himself has created, why, this is treason, and he cannot be punished by a Court Martial ! If he excites mutiny, disobedience of orders, and rebellion among the soldiery, he is not attached to the army, and cannot be restrained ! Why is he not attached to the army ? Why, at such a moment, when he remains within it, is he not subject to its rules and regulations ? If the enemy comes, may he not fold his arms and walk unconcernedly along the lines, or remain inactive in his room ? Can he not be called upon for his exertions ? May he not only refuse to render any assistance himself, but, without fear or reproach, do all in his power to render ineffectual the exertions of others—of that army, which, in the most threatening crisis, is fighting for the liberty and safety of that country whose liberty and safety he professes to have so much at heart ? May he, at such a moment, proclaim to the enemy that we are dissatisfied with our General, tired of the war, determined no longer to bear the restrictions which it imposes ; in a word, disaffected and disunited, and ready to yield to him on his first approach ? May this man, a foreigner, retaining the predilections of the country which gave him birth, and boasting of those predilections, may such a man, under such circumstances, excite sedition and mutiny, division and disorganization in our army ; and when he is called before the Court Martial to answer for his crimes, say, gentlemen, you have no right to take cognisance of the offences with which I am charged ! Decide with the accused, no army can be safe, no General can command ; disaffection and disobedience, anarchy and confusion, must take place of order and subordination ; defeat and shame, of victory and triumph. But the Commanding-General is persuaded that this is a state of things which the government of no country can or does tolerate. The constitution of the United States secures to the citizen the most valuable privileges ; yet the same constitution contemplates the necessity of suspending the exercise of some, in order to secure the continuance of all. If it authorizes the suspension of the writ of habeas corpus in certain cases, it thereby implicitly admits the operations of martial law, when, in the event of rebellion or invasion, public safety may require it. To whom does the declaration of this law belong ? To the guardian of the public safety—to him who is to conduct the operations against the enemy, whose vigilance is to desecry danger, and whose arms are to repel it. He is the only authority present to witness and to determine the emergency which makes such a resort necessary, and possessed of the means to make suitable provision for it. For the correctness of his conduct, under the circumstances which influenced him, he stands responsible to his government.

ANDREW JACKSON, Major General Commanding.

In an article published in the National Republican of the 1st September, 1826, and republished on the 13th June, 1827, in the Louisville Public Advertiser, I am accused of having *previous* to my publication in the Courier, endeavored to surrender the city of New-Orleans into the hands of the British. (8)

(8) *Louisville Public Advertiser, No 906, 13 June. 1827.*

The enemies of General Jackson have a double object in calling him a *Military Chieftain*. The first is, to make the impression that he has no experience or reputation in civil affairs—the second that he is regardless of the laws. This charge of violence has arisen from the many embarrassing situations in which he has been placed, where none but the most energetic measures of seeming violence, but real necessity, and cool deliberation, could extricate his country from disaster and disgrace. But those who make this charge, omit to tell you of the magnanimous example of submission to the laws, which he set immediately after the battle of New-Orleans, when arraigned before a court of justice for resisting a writ of habeas corpus during the existence of martial law. As the account of his demeanor on the occasion, displays one of the noblest characteristics of the man, we will state it in the words of an eloquent "Vindicator" of his fame in the West.

"During the existence of Martial Law at New Orleans, and whilst the British army, still quadruple of ours, hovered within a few hours sail of the city, and whilst mutiny and dissatisfaction were making progress, General Jackson arrested a man, who, in his legislative character, had before attempted to surrender the city to the British, and who continued to excite the American army to mutiny, by an incendiary, publication.

"He was arrested by Jackson and refused to the order of Judge Hall, and the Judge himself despatched to a place of safety at some distance from the city.

"Had General Jackson yielded to the mandate of Hall, his army must have been dissolved; and within a day the streets of Orleans have been drenched with American blood. But when the danger was over, General Jackson immediately evinced 'his respect for the laws,' by yielding himself up to the civil authority, to *pay the penalty of having saved his country.* He was summoned before Judge Hall, was refused a trial by jury, and his counsel prevented from reading his defence. He had thrown off his military garb, with the hope of being undiscovered in the crowd, and repaired to the court to submit to whatever penalty his adversary might inflict. He had reached the bar unnoticed, when he was at length perceived, and with admiration beaming in every countenance, and gratitude speaking in every eye, the building echoed with rapturous shouts of applause of Jackson and menaces of the Judge; the hero arose and addressed the assemblage. He told them of 'the duty due to the public authorities,' and 'urged them, if they had a regard for him, that they would, on the present occasion, forbear those feelings, and expressions of opinion.' The terrified Judge was about to adjourn the court, when Jackson again rose and requested it might not be done, declaring '*there is no danger here—there shall be none: the same arm that protected from danger this city, against the invaders of the country, will shield and protect this court, or perish in the effort.*' The Judge then proceeded, and fined him *one thousand dollars.* The enthusiasm of the people could be restrained no longer; hurrying him forcibly against his repeated entreaties, into a carriage, they bore him in triumph to a public room, still menacing the judge. Order being at length restored, General Jackson rose and addressed them with great feeling, saying 'that if they had the least gratitude for his services, they would evince it in no way so satisfactorily, as by submitting, as he most cheerfully did, to the decree, which had just been pronounced against him. That the civil was paramount and supreme authority—that submission to the civil authority is the first duty of the citizen. Had the penalty reached my utmost ability to meet it, I should not have murmured or complained. He immediately paid the fine. The citizens of New-Orleans collected, however, and placed the amount to his credit in bank, and notified him of it. He refused it in a manner the most delicate. In his reply, he declared he could not accept it, yet, as it was the result of the most generous feelings, he solicited, that the amount might be applied to the assistance and re-

Observe, fellow-citizens, that what no one dared to suggest in 1815, is published in 1826 and 1827. In Louisiana this calumny would strike horror into every breast. In Cincinnati every thing is lawful to ensure the election of the general. Are these deluded people ignorant that justice should constitute the ground work of every great undertaking, and that without it, there is nothing but disappointment?

In order to refute this calumny, let me be allowed to publish the most authentic documents which tend to exhibit my conduct during the invasion. I shall lay before the public—

1st. The last paragraph but one of an *extra*, published by *authority*, on the 15th January, 1815, in which honorable mention is made of me. Every body knows that on the 15th January all authority was exclusively concentrated in the person of General Jackson. (9)

2d. An extract from the Historical Memoirs of the war of 1814 and 1815, by Major A. Lacarriere Latour, page 141. This esteemed production being a monument erected to the glory of General Jackson, the testimony of its author cannot be questioned (10)

relief of those whose relations during the siege, had fallen in battle; the proposition was acceded to, and the amount subscribed, which had been designed expressly for his relief, was disposed of for the benefit of the Widow and Fatherless."

In the above relation, behold the genuine character of the Military Chieftain, who is represented as despising the authority of the Laws and Constitution of his country. Let us then rally round this heroic citizen. Let us reward his valor, his patriotism, his magnanimity, and toilsome services by the highest honor a grateful people can bestow; assured that his success is associated with the triumph of the Constitution, of LIBERTY, and of the cause of our beloved COUNTRY.

(9) The last paragraph of an Extra, published by authority, by the Editor of L'Ami des Lois, the 15th January, 1815.

"The wounded prisoners who fill our hospitals, are treated with the utmost care and attention; mattresses and blankets were, the very night of their arrival in town, provided by contribution from the inhabitants. Mr. Louaillier, member of the House of Representatives, from the Opelousas, has, on this occasion, shewn a zeal and philanthropy that does him the highest honour."

(10) Extracts from Historical Memoirs, by Lacarriere Latour, page 141. "The deplorable condition of a great number of militia men of this and the adjacent states, who were in want of clothing in an inclement season, and obliged, by the nature of the service, to be constantly exposed in the open air, excited the sensibility of the citizens. Mr. Louaillier, the elder, a member of the House of Representatives, obtained from the Legislature the sum of six thousand dollars, which was put at the disposition of a committee formed for their relief. Subscriptions were also opened at New Orleans for the same purpose, and another sum of six thousand dollars was soon subscribed; and, it is to be observed, that the Orleans volunteers and militia, not satisfied with discharging their duty to their country, by their presence in the camp, sent for a subscription list, and filled it with their signatures. The county of the German Coast subscribed about three thousand six hundred, and that of Attakapas remitted to the committee five hundred dollars. The whole sum, thus obtained, including what was voted by the Legislature, amounting to sixteen thousand one hundred dollars, and was laid out in purchasing blankets and woollens, which were distributed among the ladies of New Orleans, to be made into clothes. Within one week, twelve hundred blanket cloaks, two hundred and seventy-five waistcoats, eleven hundred and twenty-seven pairs of

3d. An extract from a resolution of the legislature of the state of Louisiana, of the 2d February, 1815 (11) The Generals who signalized themselves under the command of General Jackson have duly appreciated the expression of public gratitude conveyed to them by this resolution ; the honourable mention it made of me filled my heart with grateful feelings ; and is at this day of inestimable value to me, since it affords me the means of proving my innocence.

A statement of my conduct during the session of 1814 and 1815 will, I hope, completely annihilate this odious accusation.

At a very early day of the session, on the 22d November, 1814, I moved, in the name of the Committee on Ways and Means, an appropriation of \$65,000 for the fortifications necessary for the defence of Lower Louisiana.

On the 14th December I proposed in the name of a joint committee, to place \$6000 at the disposal of Commodore Patterson, with a view to an increase of \$24 to the premium allowed to each seaman entering the service of the United States.(12)

pantaloon, eight hundred shirts, four hundred and ten pairs of shoes, and a great number of mattresses, were made up, or purchased ready made, and distributed among our brethren in arms, who stood in the greatest need of them. Though the gratitude of their fellow-citizens, and the consciousness of their patriotic services, be, to Mr. Louaillier, and to Messrs. Dubuys and Soulie, who co-operated with him in his honorable exertions, a sufficient reward, yet I must be allowed to pay those gentlemen the tribute of applause so justly due to them.

In the course of the campaign, several fathers, or men who were the support of families, among the volunteer and militia of the state, having been killed or wounded, those who depended on them for support were left in the greatest distress : wherefore the legislature, on the 6th of February, enacted that the pay of wounded men should be continued till the end of next session ; and that the families of those slain in the service of the country should receive pay for the deceased until the same period. With pleasure I take this opportunity to do justice to the patriotic and highly praiseworthy conduct of the legislature, not only on this occasion, but during the whole session. The sole reproach that attaches to them, is their having, early in the session, spent, in unimportant discussions relative to elections, much more time than was consistent with a due regard to the exigencies of the critical circumstances in which we then were."

(11) Extract from the Resolution of the Legislature of the state of Louisiana, of the 2d of Feb. 1815. "A committee named by the same veterans abovementioned, whose patriotism was not merely confined to the performance of the military duties they had willingly submitted to, (on which committee they had appointed Messrs. Partier, Sen. Th. Soulie, and Mr. Louaillier, a member of the House of Representatives) was affording relief to the sick and wounded, with an indefatigable zeal ; procuring subscriptions for the purchase of clothing, intended for our fellow-soldiers, who had left their homes, unprovided for a winter campaign. A sum exceeding fourteen thousand dollars was actually laid out for that laudable object, including in it the appropriation of six thousand dollars, made by the legislature.

Every member on that committee deserves the highest praise, for their perseverance and assiduity in fulfilling their task."

(12) Extract from the Historical Memoirs, p. 67. [This note will serve to point out the happy result of the resolution adopted by the legislature, placing \$6000 at the disposal of Com. Patterson.] "Commodore Patterson addressed a second letter to the Governor, in which he complained of the want of seamen to

On the same day, in consequence of a report made by me, an embargo was laid upon all vessels and crafts lying in the port of New-Orleans and its vicinity.

Having had occasion to witness the humane treatment extended to the militiamen of the neighbouring states by the Hospital of Charity, I obtained from the legislature, on the 20th January, a sum of \$2000 for the benefit of that institution.

On the 23d of the same month, on a motion made by me, a committee was instructed to report a bill for the relief of wounded militiamen, and of the widows and orphans of those who had been killed during the campaign.

On the 3d February, I presented to the House a petition of Colonel Fortier, and Majors Daquin and Lacoste, requesting that provision might be made for the relief of the orphan children of several coloured men killed in the service. I obtained leave to introduce a bill for that object, which was passed, and approved by the Senate, on the following day.

On the 6th February, last day of the session, a bill for the relief of the brave Charles Savary and others, was likewise passed, on a report made by me. By a section of this bill, a pension was granted to the *natural children* of the late Dompierre, a free coloured man, killed in the service of the state. This section was rejected by the House; but the members who had voted against it, on principle, opened forthwith a subscription for their relief.

The last hours of the session were consumed in rewarding valor, and in providing for the support of orphans.

In short, each page of the journals of this legislature, of which, according to General Jackson's celebrated letter to the Postmaster General, a majority had formed the design of surrendering New-Orleans into the hands of the enemy, affords a striking proof of the devotion, the zeal, and the patriotism, of that assembly.

I will add, that I was a member of the joint committee to whom was referred the message of Governor Claiborne, recommending the suspension of the writ of habeas corpus, which, on a report made by me, the House of Representatives, at its sitting of the 14th December, had refused to grant. The Senate concurred in this refusal.

man the armed vessels, then at New Orleans, and requested the support and assistance of the state authorities. This letter was laid by the Governor before the legislature, who, on the — day of December, passed a resolution giving a bounty of twenty-four dollars to each seaman who would enter the service of the United States for three months, and, to this end, placed at the disposition of the Governor six thousand dollars. The Governor, forthwith, issued his proclamation. Between seventy and eighty sailors received the bounty of the state, and were of the number of those brave tars, who, by their incessant fire from the ship Louisiana and schooner Carolina, so annoyed the enemy in all his movements, and so particularly harassed him on the night of the 23d of December, as will be seen hereafter."

The Legislature of Louisiana had observed that the arrival of General Jackson had given the impulse which saved the country ; that all the men capable of bearing arms, citizens, foreigners, sailors, Barrataria pirates, all, without exception, had rallied around him ; and thought that the voice of the country in danger, and not fear, should call her children to the field. The event justified the favorable opinion which the legislature had formed of the inhabitants of Louisiana.

I will state in this place that Judge Hall, and the Marshal of the United States, had, some time before the invasion, at the instance of General Jackson, granted a safe conduct to Mr. J. Lafitte, leader of the Barrataria pirates. This fact proves that the American Magistracy knows how to co-operate in the defence of their country, in times of public danger.

I will now inquire into, I will not say the necessity, but whether there was any, the slightest cause, for the imprisonment of Judge Hall—for the arrest of Mr. Dick, the District Attorney—for depriving me of a trial by my natural judges—for the expulsion from the city of the Chevalier de Thousard, the companion of Lafayette, and a soldier crippled in the service of the United States ?

What were the circumstances under which the General resorted to these measures of extreme severity ? What was, on the 3d of March, our situation in relation to the British army ? In order to answer these questions, and to form a proper estimate of the degree of injury which was likely to flow from my publication of the 3d March, it is necessary to remember that it made its appearance forty-one days after General Jackson and his army had left the field of battle, and returned to New-Orleans ; forty-three days after the British army had left Louisiana ; twenty days after the capitulation of fort Bowyer. The capture of this fort was the last act of hostility committed by the British forces, Admiral Cochrane having, on the following day, received intelligence through a Bulletin received from Jamaica, that a treaty of peace had been signed at Ghent on the 24th December. And by turning to page 225 of the Historical Memoirs, we are informed that, immediately after the capitulation of the fort, General Lambert and Admiral Cochrane, expecting every moment the ratification of the treaty by the President and Senate of the United States, began the necessary preparations for the embarkation of the British troops.

My publication appeared in the Courier twenty-one days after Colonel Livingston, on his return from the British fleet, had announced to the General the arrival of the sloop of war Brazen, bringing intelligence of the signing of the preliminaries of peace.

And lastly, this publication, this *subverter of the discipline of the*

army, appeared in the newspaper fifty-three days after General Jackson had written to the Secretary of War, that, in his opinion, Louisiana might be considered as freed from her enemies.—During these fifty-three days, if we except the surrender of fort Bowyer, no engagement took place between the British and American forces.

These incontestible facts are proved by authentic documents : and yet amid these circumstances, at a period so remote from all danger, real or apparent, when the British Generals had no other desire than that of hastening the departure of their troops ; when it was the duty of the American General to dismiss his army, he unhesitatingly devoted a defenceless citizen to capital punishment, for having dared to utter his sentiment in a public journal. The representations of a *citizen of the United States*—his errors, perhaps, if the General will have it so, were branded with the names of *mutiny*, *sedition*, and called the criminal correspondence of a spy with the enemy !

Would a traitor have waited until the 3d March to begin a correspondence with the enemy, and through the channel of a newspaper ? Would he have waited until peace was made, and known, if not officially proclaimed, to excite mutiny in the ranks of the American army ? If the General thought me capable of such an act of folly, what sentiments but those of pity and contempt, could my conduct have excited in his breast ? Might it not, with some reason, be doubted whether such an accusation could with any degree of seriousness, have been made against me ?

The exposition of my conduct during the invasion, ought to be a sufficient refutation of Gen. Jackson's communication of the 4th April, 1825 ; nevertheless, it is my duty to answer the charge of "*not having belonged to any military corps*," by simply stating that I was a member of the legislature, and that free as I was to choose my station, I selected that where I thought I might render myself most useful. From the 23d December, until the return of the American army to the city of New Orleans, I devoted every night to assist the Military Commandant, Gaspard Dubuys, in walking the rounds. During the day I attended the Military Council, of which I was a member, as well as Mr. Fulwar Skipwith, the President of the Senate. I presided over the committee appointed to supply the militiamen with cloathing ; and to provide every thing that might be wanting in the hospitals. The note in the Historical Memoirs, which I have before cited, will bear testimony to the usefulness, and to the extent of the labors of this committee. I shall add to, and in support of this testimo-

ny, an extract from the letter of Gen. Carroll to Governor Claiborne. (13)

From the 23d December to the 38th January, the engagements which I had created to myself, prevented my attendance at the sittings of the House of Representatives; nevertheless when on the 28th December, its hall was invaded by an armed force, the honor of the State, its threatened independence, called me to the City Hall, where I joined my colleagues who had been dispersed by the Military authority.

After the return of the American Army to New-Orleans, I took a part in the deliberations of the Legislature, until the 6th February when it adjourned *sine die*; and from this moment down to the day of my imprisonment, I did what all the military who had returned to the City was permitted to do, and what the General himself should have done—I rested.

Fellow citizens, I know too well how to appreciate the services of the brave men who saved our country, to arrogate to myself undue credit for my labors during the invasion. Honor is due, above all things, to that valor which saved us from the horrors of a defeat! you cannot forget that it was in the field that your Senator, Brigadier General Garrigues Plaujac, covered himself with glory; and that it was by services of the first order, that he entitled himself to the public acknowledgments of his country. It was my wish to have followed in his path; but, unacquainted, as I was, with the art of war, and of a weak constitution, I was compelled to adopt, and I pursued the plan of conduct with which I have acquainted you. Determined to defend ourselves to the last extremity, we might have foreseen the horrid fate which awaited our metropolis, in case of defeat; but, even in this crisis, I was far from suspecting that our General's intention was to have treated our Legislature to a *warm session*, if, in case of his being compelled to abandon his lines, he had been reduced to the necessity of retreating upon New Orleans. (See Note 14—an extract of a letter from General Jackson to Mr.

(13) Extract of a letter from Major General Carroll, to Gov. Claiborne, dated Camp Henderson, above New Orleans, 2d March, 1815. "I hope you will convey to the legislature the grateful sentiments with which I am impressed for the honour done me and the troops whom I commanded.

I cannot withhold the expressions of gratitude due to the people of New Orleans, for their benevolence in furnishing our suffering soldiers with warm clothing, during the inclemency of winter, and at a time when the enemy were before our works.

They have administered to our sick and wounded every friendly attention, and extended to them all the rights of humanity."

(14) Extract from the letter of General Andrew Jackson to Mr. John McLean, dated 22d March, 1824, at Washington. "When I left the city, and marched against the enemy on the night of the 28d of December, 1814, I was obliged to leave one of my Aides in command, having no other confidential officer that could be spared from command. A few days after, Mr. Skipwith, in person, applied to

John McLean, the Postmaster General.) This threatening and fearful expression, will always have, in my mind, a criminal import, until their innocent meaning is demonstrated to me by a suitable explanation. When it shall please the author of the letter to Mr. John McLean, we will know what we are to understand by "*a warm session*," inflicted upon the Legislative Assembly of a State of this Union, by a commander of an Army of the United States. It is known that Mr. Fulwar Skipwith has formally declared in his answer to the General's letter published in the Richmond Enquirer, of the 26th June, 1827, that the accusation made against the Senate, and against him is utterly false, and wholly destitute of any foundation.

These words "*warm session*," written in cool blood, on the 22d March 1824, remind me of the "*blow them up in the air*," of the 28th December, 1814. I anticipate the reproach which may be addressed to me of placing a mischievous interpretation on this last expression, by the following explanation :

An order from Gen. Jackson of the 28th December, 1814, required "the Governor to institute a strict inquiry into the subject," (alluding to the project of capitulation) "and if true," (that the members of the Legislature wished to capitulate,) "*to blow them up into the air*."

A Joint Committee was appointed by both Houses, for the purpose of inquiring into the causes of the military proceedings of the 28th December, 1814, against the General Assembly. In their report the Committee did complete justice to Gen. Jackson, by declaring that, "as regards the orders, as issued by Gen. Jackson, a republican Chieftain, placed at the head of an army, in the heat of a battle, on whose issue hangs the fate of a country which has committed its defence to his valor, who is informed that the Legislature is on the point of assembling for the purpose of delivering that country into the hands of the enemy—could not have used a language more characteristic of his prudence and patriotism." The Committee declared likewise, that no cause had ever existed which could justify such proceedings, (that, is, suspending the session of the Legislature, by causing the Hall of its sittings to be occupied by a military force,

my Aid to be informed what would be my conduct if driven from my lines of defence, and compelled to retreat through New Orleans ; whether I would leave the supplies for the enemy or destroy them ? As reported by my Aid to me, he wanted this information for the Assembly, that, in case my intention was to destroy them, they might make terms with the enemy. Obtaining no satisfaction from my aid, a committee of three waited on me for satisfaction on this subject. To them I replied, 'if I thought the hair of my head knew my thoughts, I would cut it off and burn it ;' to return to their honourable body, and say to them, from me, that if I was to be so unfortunate as to be driven from the lines I then occupied, and compelled to retreat through New Orleans, they would have a warm session of it."

and by applying bayonets to the breasts of the Representatives of the People, while repairing to their posts.) "That these orders had been given without any evidence whatever to justify them; and that no measures of so violent a character had ever been resorted to upon so slight foundations."

The Committee exposed also the conduct of an Aid-de-Camp of the General, who had permitted himself to alter his orders; and who by a single word, had caused a Legislature to be suspended. It appears that on the 6th February, 1815, General Jackson became desirous of doing justice: since, in a letter of that date, addressed to Governor Claiborne, (15) the General requested that the report of the Committee should be communicated to him, in order, he said, that in case the denunciation which had produced the military orders of the 28th December, could be substantiated by proofs, the guilty might forthwith be prosecuted, and the innocent be placed beyond the reach of suspicion. Both Houses, to whom this letter was communicated, directed the Secretary of the Senate immediately to transmit to the General a copy of the report, and of the documents in support of it.

The General soon forgot his promise to do justice to all; no proofs were adduced of the treason imputed to the Legislature, nor did any public document show that any censure had been passed upon the Aid-de-camp whom the report had criminated, in such formal and energetic language. Under these circumstances the Legislature of Louisiana, could not but consider General Jackson as assuming the responsibility and approving the military proceedings of the 28th December, 1814; particularly as on the 21st January, he conveyed to his Aid-de-Camp a public expression of his approbation.

(15) New Orleans, February 6, 1815. Head Quarters, 7th Military District.

[Translation.]

Sir: The legislature of your state being on the eve of terminating its labors, it is necessary, as well for the honor of the members who compose it, as for the interest of those whose defence has been committed to me, that I should take notice of the different testimonies, and other papers which I have been collected by the committee charged with an inquiry into the causes which, after the affair of the 28th December, give rise to indications tending to accuse that body of treason.

If an accusation so grave has been unjustly made by any of the officers of my army, he ought, whoever he be, to be immediately prosecuted that the innocence of each of the members of the Assembly whom he has so unworthily calumniated, be rendered public; and that on the other hand, if this denunciation can be justified by proof, against those members of this body whom it concerns; it is equally necessary that they should be without delay prosecuted to the end that the guilty may be punished, and the innocent placed beyond the reach of suspicion.

If it were possible for me to procure all that part of the proceedings of the House which relates to this subject, I should cease perhaps to find myself under the necessity of making an investigation, which appears to me now to be very important.

I have the honor, &c.

AND. JACKSON, Major General Commandant

To His Excellency W. C. C. Claiborne.

This conduct of the General exculpates the Legislature from the reproach of ingratitude, addressed to that body, for having omitted to insert his name in the resolution of the 2d February 1815, by which it passed a vote of thanks to the Generals under him, and for declining to present to him the sword which his friends have repeatedly, but in vain, claimed from that Assembly.

These forcible dissolutions of Parliaments and national Assemblies by the operation of bayonets, which History exhibits as occurring at the moment when Liberty expires, far from meriting the thanks of freemen, ought to draw the severest censure upon the military chiefs who either execute or tolerate them. The reproving silence of the Legislature was, in this conjuncture, full of eloquence and dignity.

Since General Jackson has not hesitated to state, in his letter to Mr. John McLean, that he found Mr. Skipwith among those who sought to paralyze his efforts in the defence of the country, and who had formed the design of delivering up the city into the hands of the enemy, and, for this purpose of concerting measures with him, I would have a right to demand of him the proofs necessary to substantiate this assertion; but, it is more reasonable to infer that no such proofs are in his possession, since from 1815 to 1827, he has omitted to produce them. Yet, the General's conviction must be complete to permit its bringing charges of so serious a character. In the absence of positive proofs, there ought to exist something like circumstantial or presumptive evidence. The guilty projects of the Legislature must have transpired in some way or other; and we have a right to ask what were the speeches, the proceedings, the acts which have come to the knowledge of the man who consigns our names to infamy, and who denounces us to the public as unworthy of holding any office of honor, trust, or profit. In default of such speeches, proceedings, and acts, the movement of the enemy might have supplied the means of ascertaining whether the country had been betrayed into his hands. But I appeal to all persons, skilled in military affairs, and leave it to them to say whether all the manoeuvres of the British did not betray, on their part, the most complete ignorance of the localities, and of the amount and nature of our forces. Had a single traitor, on the 8th January, pointed out to the enemy the importance of a successful attack on the right bank of the Mississippi, the General would have been forced to abandon his lines, the city might have been consigned to the flames, and all Lower Louisiana was lost to us.

But in this campaign every thing seemed to savour of the miraculous. The unexpected union of men until then divided in opinion, and speaking different languages; the organization, in one single day, of the best corps of artillery the U. States had

ever possessed ; nature lending us her assistance by all the means which the elements can oppose to an invading army ; excessive cold, paralyzing the action of the regiments of blacks, on whose co-operation, in a slave country, so much reliance had been placed : all these combined advantages led me to the conclusion that after such a day as the 8th of January, which had filled every heart with joy, nothing remained for us to do, but to unite in earnest prayer and thanksgiving to the throne of the Eternal, after cleansing our hearts of all the remnants of hatred and distrust which might still have been found lurking in our breasts.

I now come to the imprisonment of Judge Hall. To justify it this upright and irreproachable Magistrate has been represented as granting the protection of the laws to a spy and a traitor. The public to whom all the documents concerning this transaction are submitted, will decide whether Judges Hall and Lewis could without a culpable neglect of duty, nay, without bringing dishonor on themselves, refuse to grant the writs which caused their imprisonment.

Judge Hall having answered General Jackson in the Louisiana Gazette of the 8th and 18th April 1815, I will publish those two communications which I consider as the best possible apology for his conduct (16.)

(16)

Louisiana Gazette and Mercantile Advertiser.

Saturday, April 8th, 1815.

We refrained, during its pendency, from noticing a judicial proceeding on the part of the United States, against Major General Andrew Jackson, which excited much interest, and which terminated last week. We now lay before our readers, as accurately as we can, the transactions of the last day, and the result. We confine ourselves to this position of the proceedings, as we are not fully informed of the others, and as we understand, a detailed and regular report of the whole, will be prepared for the press. At the commencement of the proceedings, Mr. Livingston and Mr. Duncan acted as counsel for General Jackson, but stated, in the progress, that the General was represented solely by Major Reid, his Aid de-Camp. The proceedings on the part of the United States, were conducted by Mr. Dick, District Attorney, Mr. Masarau, Attorney General of the state, and Mr. Tally Robinson.

An attachment having been issued against Major General Jackson, for certain contempts alleged, in certain affidavits, to have been committed by him, he appeared on Friday, the 31st of March, before the District Court of the United States for the Louisiana District, and being informed that interrogatories were filed to which he might answer, he declined doing so, and stated that he had been deprived of his right of defence on the rule to shew cause. The court informed the General that that point had been decided, and, if he declined answering the interrogatories, the court must proceed to pass judgment. The General still declined answering. The court then addressed the General, saying, that it appeared from the affidavits, that, on Sunday, the 5th instant, a petition had been presented on the part of Louis Louallier, who had, it was alleged, been imprisoned by his (the General's) order, praying that a writ of habeas corpus might issue ; that, accordingly, an order was made on the original petition, that a writ issue, returnable the next day at 11 o'clock ; that he had received a letter from Mr. Morel, the petitioner's counsel, informing him of the order that had been made. The Judge here stated, that he had suggested this mode of communication to Mr. Morel, from the respect he had for the station and character of the General. The court further observed, that it appeared in evidence, that he had, on Sunday evening, sent the Deputy Adjutant General to the clerk of the District Court, directing him to produce the original order made by the Judge, in the case of Louis Louallier, to which the clerk objected, stating that it was not permitted to deliver up any original paper ; that the clerk went with the Deputy

There are, however, other circumstances to which I will call your attention. On the 6th March, Gen. Jackson wrote to Gen. Lambert to apprise him that he entertained no further doubts as to the ratification, by the President and Senate, of the Treaty of Ghent; and proposing a suspension of hostilities. If the date of

Adjutant General to head-quarters, where he was asked by the General if he intended to issue the writ; he answered it was his duty to do so, on which the General either handed or shewed his general order, and observed that that would shew him that he would do his duty also. The Judge's order was written on the back of the original petition; it was then asked for by the General, and delivered by the clerk; the General saying that he would keep the paper in his possession on his own responsibility; notwithstanding the clerk remonstrated against his retaining the paper, the General withheld it from him, and observed, this was his camp, and that no person should be over him in it. The court further remarked, that it appears in evidence, that, on the evening of the 5th instant, the General informed the Marshal that he had imprisoned the Judge: that on the Marshal's saying to him that he supposed it would save him the trouble of serving the writ, the General replied that he would treat every person in the same way, who might meddle with his camp; that so long as martial law continued, he would acknowledge no other authority than that of the military. It appeared farther in evidence, that, after the order made by the Judge for the issuing of the habeas corpus, and after he had been informed by Mr. Morel that it would be returnable the next day at 11 o'clock, the General caused the Judge to be arrested by an armed party, by an order to Colonel Arbuckle, commandant of the barracks, where he was confined for a week; (here the General observed the order was to arrest Dominick A. Hall, and not the Judge.) Judge Hall observed that he was the District Judge at that time. The court then said it was unnecessary to expatiate on the evil tendency of such conduct. It must appear to every one, those acts amounted to a contempt; they openly insulted the authority of the court, and the person of the Judge; they tended to obstruct the course of justice. If, said Judge Hall, the process of a court may be treated with disrespect, and the Judge be imprisoned at the will of a military chief, all that respect and regard so essential to the administration of justice, is gone, and his authority, so necessary to the good of the community, is entirely lost among the people.

The Judge then observed, that he was about to perform one of the most unpleasant duties of his office. That while on the one hand he viewed the greatness of the offence, on the other he could not forget the great and eminent services rendered by the General: that he was induced from this consideration, not to make imprisonment any part of the sentence; that the law must be satisfied; that the only question was, whether the law should bend to the General, or the General to the law; that he, the Judge, could not for a moment hesitate; he pronounced the judgment of the court to be, that General Andrew Jackson should pay a fine of one thousand dollars to the United States. The General paid the fine, and was discharged.

Louisiana Gazette, April 18th, 1815.

[Communication.]

Judge Hall has seen, in a late paper, a publication called "Answer of Major General Jackson," and has observed much art exerted to divert the public attention from the outrage which he committed against the laws, and to direct it elsewhere. The distinct charge against General Jackson was, that, while the Judge of the United States was exercising one of the most important functions of his office, he was imprisoned by order of the General; that the process of the court was treated with disrespect; that the officers of the court were menaced; and finally, that, by threats and violence, the course of justice was obstructed. In answer to this, the General talks of mutiny and desertion in his camp; of the Judge's having once approved of martial law; and of his having manifested apprehensions of the fate of the country, disgraceful to himself, and injurious to the state, while on his route to Bayou Sarah.

Why was not this language used before the 5th March, the day on which the Judge made the order that a habeas corpus shall issue in the case of Mr. Louaillier? Judge Hall had been four weeks in town before that period; he conversed with General Jackson at the funeral of Mr. Buford, and was cordially received by him; he was till that day almost constantly visited by the intimate friends of the General. Who heard before that day of a charge of exciting mutiny and desertion? Or that Judge Hall had been guilty of a military offence? This is all a pretence. It is made apparent by the testimony of Major Winston, Major Claiborne, and others, and by the evidence of circum-

this letter be compared with those of the orders issued for the imprisonment of Mr. Dick and Judge Lewis, you will come to the conviction that, had he condescended to devote a few hours to the examination of this important affair ; had he assembled his friends and counsellors, to deliberate and advise with them ;

stances. Nay, it is established beyond all doubt by the answer of the General himself, on oath. This answer goes to shew that it was the issuing of the habeas corpus that constituted the Judge's offence. Judge Hall was arrested four hours before General Jackson had seen the original petition, which he afterwards withheld from the clerk, and before he had made the wonderful discovery that the figure 5 had been turned into a 6. The General, in his answer, observes, that " this alteration in the date, was such evidence of a personal, not judicial interference, as justified the idea he then formed, that " the Judge approved of Louallier's conduct, and supported his attempt to excite mutiny " and desertion." But how could this discovery, made at 12 o'clock, on Sunday night, have influenced the General in his arrest of the Judge at 8 o'clock the same evening ? And yet, at that time he was arrested, and, shortly afterwards, committed to the barracks. It must again be repeated, that it was the issuing of the habeas corpus that made the Judge a criminal. On the afternoon of the 5th, the General was informed by Mr. Morel, the counsel of Mr. Louallier, that the order for a habeas corpus, was made returnable on the next day at 11 o'clock. On the evening of that day Judge Hall was arrested. In the evening the General informed the Marshal he had " stopped " the Judge, and would serve every man so who should interfere with his camp. On the same evening, the General threatened Major Claborne with his military order, saying at the same time, " he " had no prejudices against the Judge." Major Winston says that General Jackson did not intend to pay any attention to the writ. Mr. Duplessis states, that, from the whole tenor of the conversation which he had with the General, a disposition was manifested by him to disregard it. The General himself says in his answer, " a writ of habeas corpus was directed to be issued for Louallier's enlargement. The civil magistrate seemed to think it his duty to enforce the enjoyment of civil rights ; an unbending sense of " what he seemed to think the conduct which his station required, might have induced " him to order the liberation of the prisoner. No other course remained, but to enforce " the principles which had laid down for his guide, and to suspend the exercise of judicial power when it interfered with the necessary means of defence. The only way " effectually to do this, was to place the Judge in a situation in which his interference " could not counteract the measures of defence, or give countenance to the mutinous " disposition that had shewn itself in so alarming a degree." " Merely to have disobeyed the writ, would have but increased the evil ; and to have obeyed it, was wholly repugnant to the respondent's ideas of the public safety, and to his own sense of duty ; " the ' Judge ' was therefore confined, and removed beyond the lines of defence " Here then is an express avowal that the Judge was his object, and not as he asserted in open court, (with what propriety the world will judge) the individual Dominick Augustine Hall. His object was to " suspend the exercise of judicial power." With equal propriety and consistency, does General Jackson state, in his ninth exception, " that the writ was " served after the return thereof, by reason whereof he could not comply with the tenor " thereof, had he been so disposed." It appears in evidence, that when the writ was handed by the Marshal, the General said he did not know that he would read it, and then laughingly inquired, " Mr. Marshal, is it not past 11 o'clock ? " This happened at four or five in the afternoon. Who on the night of the 5th threatened the clerk with his general order ? Was not General Jackson's conduct calculated to inspire terror and dismay, and to cause delay ? Yet he speaks of the " lateness of the service." General Jackson did not intend to obey any writ of habeas corpus, and all this cant of the Judge's exciting mutiny and desertion, was a mere pretext under which he might put down the judicial authority of his country, and excuse his other outrageous and illegal proceedings. Did he not arrest the District Attorney for applying for a writ of habeas corpus to effect the liberation of Judge Hall ? Was not an order actually delivered to an officer to arrest Judge Lewis for having granted it ? Had Judge Lewis excited mutiny and desertion ? Had Mr. Dick been seditious in the camp ? They were both on the lines, and the former was particularly noticed for his good conduct in the General Order. The latter, no doubt, was as brave and as capable, though in a less distinguished situation. How dignified and consistent is this conduct of General Jackson ! How magnoanimous in this hero, who had just beaten the legions of England, to resort to such pretences to beat down the law and its unprotected minister, the Judge ! How faithful to the Constitution.

it is probable that he would have received the ratification of the treaty of peace, before the orders could be signed for these arrests, which stand unparalleled in our annals. You will think with me, that the precipitation and violence with which he acted on this occasion, are incompatible with the moderation and deliberate wisdom which ought to characterize the Chief Magistrate of a free People, and the ruler of a powerful Commonwealth, holding a rank in the great family of civilized nations.

The citizens of the United States, and the freemen of all

to destroy the Judicial power which his oath and his duty imposed on him an obligation to support!! Had Gen. Jackson confined himself to the publication of a paper which he calls his answer, Judge Hall would have preserved that silence which becomes his official situation; but the General has made personal allusions, which ought to be noticed. It is said, in his introductory remarks, that even Judge Hall, although he now expresses his disapprobation of martial law, did not only approve of it when first declared, but openly asserted that, short of the exercise of all the rigor incident thereto, the country would certainly be lost. Judge Hall does not recollect that Gen. Jackson did him the honor to consult him on the subject of establishing martial law, nor does he believe that he was present when the measure was decided on. Judge Hall recollects to have had the pleasure of meeting General Jackson but three times before he left the city on the 4th of January. The first time was on the occasion of all the Judges making their compliments to the General on his arrival; the second at Col. Ross's, at a card party and supper; and the third on a visit of two or three minutes at Head Quarters, when the Judge took the liberty of asking the General's opinion whether he should become a member of any City Corps, and was answered, No, no, Sir; you are a Judge. Judge Hall's recollection may be incorrect. The General says the subject of declaring martial law was discussed in his (the Judge's) presence, and that he seemed, by his gestures and silence, to approve of it. It is possible that it was so, but the Judge is confident that, if this tacit approval was ever given, it could not have been an approval of martial law as was anciently practised in some military despotisms. Judge Hall has no distinct recollection of any particular expressions used by him at any time in relation to martial law: he well remembers that he had the highest confidence in General Jackson; admired the energy of his character, and presumed that, as he was resolute and brave, he would be guided by justice and magnanimity. But if it be intended to infer that Judge Hall ever approved of martial law as since exercised by General Jackson, he does most solemnly protest against it. If it be attempted to draw the conclusion that he ever gave his sanction to a system which should go to the abolition of all our rights; which should leave the lives of the whole community in the power of a Military Chief; he solemnly declares that he never did, nor ever could, have approved of it. But what has been the opinion and practice of General Jackson as to martial law? Has he not arraigned a member of the legislature, exempt from military service, before a court martial, for a capital offence? and that, six weeks after he had written to the Secretary of War, "that the enemy's last exertion had been made in this quarter, at any rate for the present season?" Did he not, at the same time, make an attempt on the life of Judge Hall by accusing him of exciting mutiny and desertion, and by threatening him with a court martial? and all for no other cause than that the Judge had made an order for issuing the habeas corpus? Does not General Jackson, in his publication, upon oath, expressly avow that such was the motive of the Judge's arrest? Fortunately for General Jackson, the honourable members of the court martial, equally distinguished for their talents and independence, acquitted the accused, and prevented the blood of Louaillier from appearing in judgment against the General. It is stated, in the introductory remarks of General Jackson, that, "on the Judge's route to Bayon Sarah, he manifested apprehensions as to the safety of the country, disgraceful to himself, and injurious to the state." Judge Hall knows full well how easy it is for one with the influence and patronage of General Jackson, to procure certificates and affidavits; he knows that men usurping authority, have their dilators and spies, and that, in the sunshine of imperial and dictatorial power, swarms of miserable creatures are easily generated from the surrounding corruption, and rapidly changed into the shape of buzzing informers. Notwithstanding which, Judge Hall declares that, on his route to Bayon Sarah, he uttered no sentiment disgraceful to himself, or injurious to the state. He calls upon General Jackson to furnish that full and satisfactory evidence of his assertion which he says he is enabled to do.

countries, will venerate the memory of Judge Hall. The weak always found near him a refuge against the encroachments of dictatorial power. He knew how to avenge the Constitution and laws of his country, violated by a victorious and powerful soldier. Let this sublime example of firmness and independence, which he has bequeathed to his successors in the magistracy, be ever respected and honored.

The most praiseworthy and pure motives guided my pen, when, on the 3d March, I opposed the banishment of the French residents. My conscience is at peace—and my reason tells me, that I may have been guilty of imprudence ; of an imprudence, which, in time of war, may become a crime, in consequence of the disasters and public misfortunes which may flow from it. I leave it to you, fellow-citizens, to determine whether, on the 3d March, such an imprudence could be committed. Admitting for a moment, that the Court Martial, appointed for my trial, had found me guilty, and pronounced my sentence of condemnation ; I do not hesitate to say, that the day of my condemnation would have been a day of mourning for the inhabitants of the city of New Orleans, where the uprightness of my intentions was so well and universally known. In expressing this opinion, I am fully aware of the meaning of the words I have spoken ; and although we are divided in opinion as to the Presidential question, and many of us are infatuated by party spirit, I feel almost certain, that not a single voice among my cotemporaries will gainsay what I have stated.

My case is very remarkable. Summoned to appear at the bar of justice, I am neither condemned nor acquitted by the tribunals of my country ; and yet, in the writings and addresses intended to favor the election of Gen. Jackson, I am held up to public view as a traitor, and represented in that character with as much assurance, as if this fact were incontestible, and adjudged so by judicial authority.

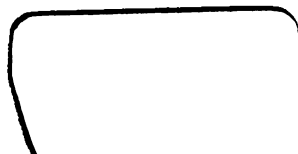
It is really painful for me to be obliged to defend myself against a General, towards whom the State of Louisiana feels under so great obligations. But, fellow-citizens, who will censure me for having strained every nerve in clearing myself of an accusation of high treason ! When, to the necessity of repelling the infamy with which they have sought to brand me, is added a deep conviction that this General, although skilful and brave, possesses none of the qualities which you ought to require in all the successors of WASHINGTON, shall I be censured for having thus addressed you, and for having done every thing in my power to prevent his election, and consequently to secure that of the candidate of your choice, Mr. JOHN QUINCY ADAMS ?

This book should be returned
to the Library on or before the last
stamped below.

A fine of five cents a day is incurred
by retaining it beyond the specified
time.

Please return promptly.

STALL STUDY
CHARGE



US 5010.19.605

The appeal of L. Louailier, sen.,

Widener Library

005854828



3 2044 086 267 325